

[Counsel listed on signature page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE HIGH-TECH EMPLOYEE
ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:
ALL ACTIONS

Master Docket No. 11-CV-2509 LHK

**DEFENDANTS ADOBE, APPLE,
GOOGLE, AND INTEL'S
ADMINISTRATIVE MOTION TO FILE
STATEMENT OF RECENT DECISION**

Date: August 8, 2013
Time: 1:30 pm
Courtroom: 8, 4th Floor
Judge: The Honorable Lucy H. Koh

Pursuant to Local Civil Rules 7-3(d) and 7-11, Defendants request permission to file a Statement of Recent Decision, attached hereto as Exhibit 1, to bring to the Court's attention the relevant judicial opinion of the United States Court of Appeals for the District of Columbia Circuit, *In re Rail Freight Fuel Surcharge Antitrust Litigation*, No. 12-7085 (D.C. Cir. Aug. 9, 2013). The opinion was published today, after the August 8, 2013 hearing on Plaintiffs' Supplemental Motion for Class Certification [Dkt. 418].

Pursuant to Local Rule 7-11(a), this motion is accompanied by a Stipulation and [Proposed] Order Granting Defendants' Administrative Motion to File Statement of Recent Decision.

Dated: August 9, 2013

O'MELVENY & MYERS LLP

By: /s/ George A. Riley
George A. Riley

George Riley
Michael F. Tubach
Christina J. Brown
Two Embarcadero Center, 28th Floor
San Francisco, CA 94111
Telephone: (415) 984-8700
Facsimile: (415) 984-8701

Attorneys for Defendant APPLE INC.

Dated: August 9, 2013

JONES DAY

By: /s/ David C. Kiernan
David C. Kiernan

Robert A. Mittelstaedt
Craig A. Waldman
David C. Kiernan
555 California Street, 26th Floor
San Francisco, CA 94104
Telephone: (415) 626-3939
Facsimile: (415) 875-5700

Attorneys for Defendant ADOBE SYSTEMS, INC.

1 Dated: August 9, 2013

MAYER BROWN LLP

2
3 By: /s/ Lee H. Rubin
Lee H. Rubin

4 Lee H. Rubin
5 Edward D. Johnson
6 Donald M. Falk
7 Two Palo Alto Square
8 3000 El Camino Real, Suite 300
Palo Alto, CA 94306-2112
Telephone: (650) 331-2057
Facsimile: (650) 331-4557

9 KEKER & VAN NEST LLP

10 By: /s/ Justina Sessions
Justina Sessions

11 Robert A. Van Nest
12 Daniel Purcell
13 Eugene M. Page
14 Justina Sessions
15 633 Battery Street
San Francisco, CA 94111
Telephone: (415) 381-5400
Facsimile: (415) 397-7188

16 Attorneys for Defendant GOOGLE INC.

17 Dated: August 9, 2013

BINGHAM McCUTCHEN LLP

18
19 By: /s/ Frank M. Hinman
Frank M. Hinman

20 Donn P. Pickett
21 Frank M. Hinman
22 Three Embarcadero Center
San Francisco, CA 94111
Telephone: (415) 393-2000
Facsimile: (415) 383-2286

23
24 Attorneys for Defendant INTEL
CORPORATION

1 **ATTESTATION:** Pursuant to Civil Local Rule 5-1(i)(3), the filer attests that concurrence in the
2 filing of this document has been obtained from all signatories.

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28